

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Ann T. Corbett, individually and as the Personal Representative of the Estate of Patrick Corbett, deceased,

Plaintiff,  
v.

LONGWOOD PLANTATION-FHE, LLC, doing business as Longwood Plantation and Magnolia Place; and J. CLAY FOWLER, individually and as an owner and member of Longwood Plantation-FHE, LLC, and as an owner and member of Longwood Plantation Home Care-FHE, LLC; and Paula Fowler, individually and as an owner and member of Longwood Plantation-FHE, LLC and as an owner and Member of Longwood Plantation Home Care-FHE, LLC,

Defendants.

C/A No. 1:23-cv-0635-JFA

**ORDER**

This matter is currently before the Court on the Defendants Longwood Plantation-FHE, LLC (“Longwood Plantation”); Longwood Home Care-FHE, LLC (“Longwood Home Care”); J. Clay Fowler (“Clay Fowler”); and Paula Fowler (“Paula Fowler”) (collectively “Defendants”) Motion to Stay (ECF No. 22). Plaintiff as Personal Representative of the Estate of Patrick Corbett (“Plaintiff”) did not file a Response, and instead, filed a Motion for an Extension of Time to respond to Defendants’ Motion to Stay. (ECF No. 23).

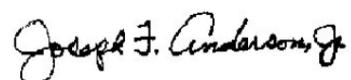
On May 25, 2023, this Court entered an Order denying Defendants' Motion to Dismiss and remanding this case to the Court of Common Pleas for Orangeburg County, South Carolina. (ECF No. 18). On June 9, 2023, Defendants filed a motion to stay the execution of this Court's May 25, 2023 Order which remanded the case to Court of Common Pleas for Orangeburg County, South Carolina. Defendants request a stay to "consider whether to pursue their appellate rights and to file a notice of appeal on or before June 26, 2023." (ECF No. 22 at 2).

Federal Rule of Appellate Procedure 4(a)(1) provides that in a civil lawsuit, a notice of appeal must be filed within thirty (30) days of the entry of judgment. *See Fed. R. App. P. 4(a)(1). See Norhtrop Grumman Technical Services, Inc. v. DynCorp International, LLC*, 2016 WL 3180775 (E.D. Va. June 7, 2016) (holding an order to remand a case can be considered a "judgment").).

Because Defendants' deadline for filing a notice of appeal expired on June 26, 2023, the instant motion along with Plaintiff's motion for an extension of time to respond appear moot. (ECF No. 22 & 23). Therefore, Defendants' Motion to stay and Plaintiff's Motion for an extension of time are both denied as moot. *Id.*

IT IS SO ORDERED.

July 13, 2023  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge